

this *Order Remanding Case* as it is unable to determine whether all of the pertinent evidence reviewed by OWCP in reaching appellant's claim is in the record currently before the Board.

Section 501.2(c) of the Board's *Rules of Procedure*,⁴ provides that the Board has jurisdiction "to consider and decide appeals from the final decision of OWCP in any case arising under the [Federal Employees' Compensation] Act."⁵ Additionally, the Board's review of the case is limited to the evidence which was before OWCP at the issuance of the final decision.⁶

Since the record as transmitted to the Board does not contain evidence that OWCP relied upon in reaching its final decision or the final decision itself, the Board is unable to properly "consider and decide" appellant's claim. The October 19, 2012 decision of OWCP must be set aside and the case remanded to OWCP for reconstruction and proper assemblage of the case record. Following this and such further development as OWCP deems necessary, it shall issue an appropriate merit decision pursuant to 5 U.S.C. § 8128(b)(1) to preserve appellant's right to future appeals. Accordingly,

IT IS HEREBY ORDERED that the October 19, 2012 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: April 25, 2014
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board

⁴ 20 C.F.R. § 501.2(c).

⁵ 5 U.S.C. §§ 8101-8193.

⁶ *See* 20 C.F.R. § 501.2(c)(1).